

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Touchpoint Projection Innovations,

Plaintiff,

v.

Cloudflare, Inc.,

Defendant.

**Civil Action No.
2:24-cv-00343-JRG
(Lead Case)**

DECLARATION OF ERIC REEVES

I, Eric Reeves, declare as follows:

1. My name is Eric Reeves. I am over the age of twenty-one and have never been convicted of any felony. I have personal knowledge of the following facts and statements in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I am Director of Engineering at Cloudflare, Inc. ("Cloudflare"). I have been employed by Cloudflare since 2017. I am based in Cloudflare's Austin, Texas office.

3. At the time of the filing of the Complaint in this lawsuit, Cloudflare was, and has been thereafter, a Delaware corporation. Its principal place of business is and has been in San Francisco, California, and its only office in Texas is in Austin, Texas (in the Western District of Texas).

4. Cloudflare has no offices or regular and established places of business in the Eastern District of Texas.

5. Cloudflare's U.S. offices are located in Austin, Champaign (Illinois), San Francis-

co, San Jose, Seattle, and Washington, D.C.

6. A content delivery network (“CDN”) is a geographically distributed network of servers that, among other things, caches content close to end users. A CDN may help to enable the quick transfer of assets needed for loading Internet content, including HTML pages, JavaScript files, stylesheets, images, and videos. Primary benefits of using a CDN may include improving website load times, reducing bandwidth costs, increasing content availability and redundancy, and improving website security.

7. Cloudflare’s CDN is found in approximately 330 cities in 120+ countries.

8. A “data center” (sometimes referred to as a “point of presence” or “PoP”) generally refers to a physical location in which computers are networked together in order to, among other things, improve usability and reduce costs related to storage, bandwidth, and other networking components. Cloudflare leases space in data centers throughout the world, including in the United States and (as noted below) within the Eastern District of Texas.

9. Within Cloudflare’s CDN, an “edge server” is a server (computer) that exists at the logical extreme or “edge” of the network, and often serves as the connection between separate networks. Edge servers store (cache) content in strategic locations to take the load off of one or more origin servers (the web servers that receive Internet traffic when a web property is not using a CDN), and to reduce the amount of time it takes for a web resource (like images, or HTML and JavaScript files) to load. One primary purpose of a CDN edge server is to store content as close as possible to a requesting client machine (e.g., a person accessing a website from his or her computer), thereby reducing latency and improving webpage load times.

10. Within Cloudflare’s CDN, network appliances are used to connect the computers of third parties, such as internet service providers (“ISPs”), or other content delivery platforms,

with Cloudflare's CDN edge servers. Cloudflare's network appliances physically interconnect with the network appliances of those third parties. Networks appliances include equipment such as routers and switches.

11. Cloudflare may maintain edge servers and/or networking appliances in data centers in various locations around the world to power Cloudflare's CDN. A data center, for Cloudflare, houses hardware. It is not an office where Cloudflare employees routinely work, nor is it a facility open to the public like a retail store that could be frequented by Cloudflare's customers or other members of the public.

12. Cloudflare does not own any data centers or data center space within the Eastern District of Texas. Instead, in any instance in which Cloudflare utilizes data center space within the Eastern District of Texas, Cloudflare is a customer of a third party who owns and operates the data center. In other words, Cloudflare leases "rack space" from the third party.

13. Cloudflare maintains some limited equipment within data centers within the Eastern District of Texas. Cloudflare has been able to locate the following with respect to data centers that Cloudflare leases space in within the Eastern District of Texas:

- a. 6653 Pinecrest Drive, Plano, Texas 75024: this location is an Equinix data center that Cloudflare leases space in. Cloudflare does not own or operate this data center, and has no employees located there. Cloudflare does not hold this location out as a Cloudflare office or place of business. Cloudflare's records indicate "rack space" has been leased at this location but Cloudflare does not at this time have equipment in operation serving Cloudflare CDN customer traffic from this location, nor did Cloudflare have equipment in operation serving Cloudflare CDN customer traffic at

the time the Complaint was filed by Touchpoint in this litigation.

b. 820 Allen Commerce Parkway, Allen, Texas 75013: this location is a Tier-point data center that Cloudflare leases space in. Cloudflare does not own or operate this data center, and has no employees located there. Cloudflare does not hold this location out as a Cloudflare office or place of business. Cloudflare's records indicate that "rack space" has been leased at this location, and network appliances and/or edge servers are onsite, but such equipment does not at this time serve Cloudflare CDN customer traffic from this location. Nor did Cloudflare have equipment in operation serving Cloudflare CDN customer traffic from this location at the time the Complaint was filed by Touchpoint in this litigation.


c. 900 Guardians Way, Allen, Texas 75013: this location is an Evoque data center that Cloudflare leases space in. Cloudflare does not own or operate this data center, and has no employees located there. Cloudflare does not hold this location out as a Cloudflare office or place of business. Cloudflare's records indicate that "rack space" has been leased at this location, and network appliances and/or edge servers are onsite, but such equipment does not at this time serve Cloudflare CDN customer traffic from this location. Nor did Cloudflare have equipment in operation serving Cloudflare CDN customer traffic from this location at the time the Complaint was filed by Touchpoint in this litigation.

14. Cloudflare does not "ratify" its customers' places of business. For example, Cloudflare does not exercise any control over its customers' locations or dictate that its custom-

ers have any specific places of business within the United States, or condition Cloudflare providing services on its customers having any specific place of business in the United States. Nor does Cloudflare hold its customers' places of business out as Cloudflare's own place of business or otherwise represent that Cloudflare's customers' places of business have been approved or blessed by Cloudflare.

15. Cloudflare offers a variety of analytics products which provide Cloudflare's customers with insight into their website traffic and performance. "Insights" or "Cloudflare Insights" refer to various of these analytics products. "Insights" are capabilities of Cloudflare, and "Insights" does not refer to a Cloudflare office or physical location.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 15, 2024, in Austin, Texas.


Eric Reeves (Aug 15, 2024 15:47 CDT)
ERIC REEVES